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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,404	01/27/2000	Noriki Tachibana	02860.0638	9828

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EXAMINER
DUONG, TAI V

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/492,404	Applicant(s) TACHIBANA ET AL.	
	Examiner TAI DUONG	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) __ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 8 are confusing because they recite the length of the film employed in a liquid crystal display member is at least 1000 m or 1500 m. However, there is no known liquid crystal display having a length of at least 1000 m.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Daecher et al.

Note column 17, lines 23-26, which identically discloses the claimed film having a thickness of 54 μm, a variation in the film thickness within ±3.0% of the standard film thickness, and a retardation value of less than 10 nm. Also, see column 1, lines 11-14.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuto et al in view of Daecher et al.

Shuto et al disclose a cellulose ester film, similar to that of the instant claims, having an average degree of substitution of 2.7 to 3.0 (col. 2, lines 49-61; col.1, lines 14-18; col. 4, lines 21-24). Further, Shuto et al disclose that the film thickness can be 10 to 50 μm (col. 5, lines 61-67). The only differences between the film of Shuto and that of the instant claims are the variation in the film thickness being within ±3.0% of the standard thickness, the retardation being below 10 nm. However, Daecher et al disclose that the above differences are known (col. 10, lines 1-10 and lines 52-58; col. 17, lines 23-26). Thus, it would have been obvious to a person of ordinary skill in the art to employ a cellulose ester film having a film thickness being within ±3.0% of the

standard thickness and a retardation being below 10 nm for obtaining a film with low shrinkage, low birefringence and good surface quality, as disclosed by Daecher et al (col. 10, lines 1-2).

As to claims 7-10, it would have been obvious to a person of ordinary skill in the art to fabricate a film with length of at least 1000 or 1500 m for low fabricating cost. Also, it would have been obvious to a person of ordinary skill in the art to employ a film with tear strength of at least 7 g and a haze of no more than 0.55 for obtaining a protective film with good mechanical strength and endurance, and good optical clarity.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuto et al and Daecher et al as applied to claim 1 above, and further in view of Schulz.

Schulz disclose that it was known to employ a cellulose ester film with a composition of wood pulp cellulose/cotton linter cellulose (col. 1, lines 25-29). Thus, it would have been obvious to a person of ordinary skill in the art in view of Schulz to employ a cellulose ester film with a composition ratio of wood pulp cellulose/cotton linter cellulose = 60/40 to 0/100 in terms of weight ratio for adjusting the desired viscosity of the film.

Claims 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuto et al and Daecher et al as applied to claims 1, 4 and 14 above, and further in view of Aizawa et al and Conrad et al.

Aizawa et al disclose that it was known to employ protective films at both sides of the polarizer (col. 4, lines 6-10). Conrad et al disclose in Fig. 1 that it was known to employ both polarizers (16, 18) in a liquid crystal display (LCD). Thus, it would have been obvious to a person

of ordinary skill in the art in view of Aizawa et al and Conrad et al to employ protective films at both sides of the two polarizers of the LCD for protecting the polarizers against adverse conditions.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number 703 308-4873.

ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

TVD

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